IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NOs : 34168 of 1998; 8348 of 1999;

8377 of 1999 & 9313 of 1999

WRIT PETITION NO:34168 OF 1998

Between:

Dr.K.D.V.Kumar,

S/o K.Elisha,Occ:Daily Wage employee in SDLCE,

Kakatiya University, Warangal.

..... PETITIONER

AND

1. The Kakatiya University,

rep., by its Registrar, Warangal.

2. The Director of School of Distance Learning and

Continuing Education, Kakatiya University,

Warangal.

3. The Govt. of A.P.,

rep., by its Secretary,

Higher Education, Secretariat, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order or a writ more particularly a writ in the nature of mandamus directing the respondents to continue the petitioner in service and also regularize the services of the petitioner as a Lecturer/Asst.Director/Coordinator in a regular scale of pay by

duly declaring the action of the respondents in not considering his case for absorption and regularization as lecturer, Asst.Director/Coordinator as illegal, arbitrary and violative of the Articles 14, 16 and 21 of the Constitution of India.

Counsel for the Petitioner: Mr. P.PRATAP REDDY

Counsel for the Respondents 1 & 2 : Mr.DEEPAK BHATTACHARJEE

Counsel for the Respondent No.3 : GP FOR HIGHER EDUCATION

WRIT PETITION NO : 8348 of 1999

Between:

Dr.Vijayachandra Tenneti,

S/o T.V.Subba Rao,

Now working as Lecturer (Adhoc)

University College of Law,

Kakatiya University, Warangal.

..... PETITIONER

AND

1. Kakatiya University,

rep., by its Registrar, Warangal.

2. State of Andhra Pradesh,

rep., by its Secretary, Higher Education,

Secretariat Buildings, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ or order or direction especially one in the nature of Mandamus : (i) compelling the respondents to regularize the petitioners' service as Lecturer in Law, Kakatiya University, Warangal w.e.f., 19-11-1991 with all the consequential benefits of Pay and allowances, increments, etc., and with all the fringe benefits; (ii) declare the action of the respondents in not regularizing the petitioners' services and granting all consequential benefits as has been granted to Dr.M.Venkat Reddy and Dr.V.Ramachander as illegal, arbitrary and violates Article 14 of the Constitution of India.

Counsel for the Petitioner: Mt.V.JOGAIAH SARMA

Counsel for the Respondent No.1 : Mr. DEEPAK BHATTACHARJEE

Counsel for the Respondent No.2 : GP FOR HIGHER EDUCATION

WRIT PETITION NO : 8377 of 1999

Between:

Dr. S.Radhakrishna,

S/o S.V.Bhashyam,

Working as Academic Assistant in Economics (Adhoc)

Satavahana P.G.College, Kakatiya University,

Karimnagar.

..... PETITIONER

AND

1. Kakatiya University,

rep., by its Registrar, Warangal.

2. State of Andhra Pradesh,

rep., by its Secretary, Higher Education,

Secretariat Buildings, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ or order or direction especially one in the nature of Mandamus : (i) compelling the respondents to regularize the petitioner's service as Lecturer in Economics, Kakatiya University, Warangal w.e.f., 18-09-1990 with all the consequential benefits of Pay and allowances, increments, etc., and with all the fringe benefits; (ii) declare the action of the respondents in not regularizing the petitioner's services and granting all consequential benefits as has been granted to Dr.M.Venkat Reddy and Dr.V.Ramachander as illegal, arbitrary and violates Article 14 of the Constitution of India.

Counsel for the Petitioner: Mr.V.JOGAIAH SARMA

Counsel for the Respondent No.1 : Mr.DEEPAK BHATTACHARJEE.

Counsel for the Respondent No.2 : GP FOR HIGHER EDUCATION.

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WRIT PETITION NO : 9313 of 1999

Between:

Dr.Mohd. Azimoddin Khan,

S/o Mohd.Mohiuddin Khan,

W/as Coordinator/Assistant Professor

on Daily Wage basis in School of Distance

Learning and Continuing Education (SDLCE)

Kakatiya University, Warangal.

..... PETITIONER

AND

1. The Kakatiya University,

rep., by its Registrar, Warangal.

2. The Director of School of Distance Learning and

Continuing Education, Kakatiya University,

Warangal.

3. The State of A.P.,

rep., by its Secretary,

Higher Education Department,

Secretariat, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ or order or direction especially one in the nature of Mandamus (i) declaring the inaction on the part of the respondents in not regularizing the petitioner's services as illegal, arbitrary and without jurisdiction and offends Articles 14, 16 and 21 of the Constitution of India; (ii) compel the respondents to regularize the service of the petitioner as coordinator/Assistant Professor in School of Distance Learning and Continuing Education, Kakatiya University, Warangal atleast with effect from 1991 and grant all consequential benefits.

Counsel for the Petitioner: Mr.V.JOGAIAH SARMA

Counsel for the Respondent Nos.1& 2: Mr. DEEPAK BHATTARCHARJEE (SC)

Counsel for the Respondent No.3 : GP FOR HIGHER EDUCATION

The Court made the following :

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COMMON ORDER:

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Both the counsel fairly conceded that the matter that arises for consideration in these Writ Petitions is squarely covered by the judgment reported in **S.KARUNAKAR REDDY v. REGISTRAR, OSMANIA UNIVERSITY, HYDERABAD AND OTHERS,** in which it was held as under:

> "Following the aforesaid judgment of the Division Bench in W.P.No.6469 of 2001, I dispose of the writ petitions. Having regard to the facts and circumstances of the case, I consider it appropriate to direct the University to permit the writ petitioners to participate in the process of selection and consider their cases for regular appointments; provided they possess the requisite qualification after relaxing the age of those writ petitioners who have crossed the age limit for seeking appointment as Assistant Professors/Lecturers. The University shall take an appropriate decision in the matter and accordingly relax the age limit and shall bear in mind the same while issuing the notification inviting applications from the eligible candidates for selection and appointment as Assistant Professors/Lecturers in various departments. I make it clear that the writ petitioners will have to face the competition and shall have to compete with others for their selection and appointment as Assistant Professors/Lecturers. The University while issuing the notification shall take all the relevant factors into consideration including the roster points".

2 . Therefore, these Writ Petitions can be disposed of in the same terms and conditions as mentioned in the above judgment.

3. However, it is stated that the University has already taken a decision and passed resolution and is intending to address the Government seeking permission for notifying the vacancies. Therefore, the Registrar of Kakatiya University is directed to address a letter to the Government seeking permission to notify the vacancies within a period of two months from today. On receipt of such letter from the University, the 3rd respondent shall complete the process of permission as per law and communicate the same to the University within three months thereafter.

4. Accordingly, these Writ Petitions are disposed of in terms of the above judgment. No order as to costs.

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(C.V.RAMULU,J)

10th March, 2005.

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To

1. The Registrar,

Kakatiya University,

Warangal.

2. The Director of School of Distance Learning and

Continuing Education, Kakatiya University,

Warangal.

3. The Secretary,

Govt. of A.P.,

Higher Education, Secretariat,

Hyderabad.

4. Two CCs to the GP for Higher Education,

High Court of A.P., Hyderabad (O.U.T.)

5. Two CD Copies.